

Governor's Disability Employment Task Force
Work Group 2: centralized reasonable accommodation funding and technical assistance
Policy Q &A

Participants in the work group session on May 29th raised several questions about what policies would govern the provision of technical assistance and funding for reasonable accommodation, and the manner in which that technical assistance and funding would be provided. This paper offers suggested responses to some of those questions for the work group to consider and critique.

Question: May state employees request accommodations directly through the center?

Answer: No. State employees should be able to contact the center for technical assistance on issues such as, how to initiate a reasonable accommodation request within their agency, or suggestions on types of accommodations that might be helpful for their disability and circumstances. However state employees who contact the center should be informed that the center offers them only informal advice of a general nature, which is neither a determination of their rights, nor binding on the agency for which they work. All requests for funding for reasonable accommodation or for more formal or intensive technical assistance from the center should have to be made by a designated representative of the agency involved.

Question: How will the center work with and agencies' reasonable accommodation staff and procedures?

Answer: Agencies will determine how much assistance they would like from the center, on a case-by-case basis. Some small agencies might like to have technical assistance from the center throughout the reasonable accommodation process. In other cases an agency may not want to contact the center until the agency and employee have settled on a reasonable accommodation and the agency has determined that it needs the center's assistance in purchasing that accommodation. Most reasonable accommodations will proceed as they have been proceeding, without any involvement of the center. However, the center will be available to support agencies through the reasonable accommodation process, to the extent, and in the manner that the agencies choose. Agencies will retain the responsibility to follow up with their employees to determine whether the accommodations provided are effective, however they may choose to call on the center to provide technical assistance in either the follow-up, or in next steps, when an attempted accommodation is not successful.

Question: Will all reasonable accommodation costs be paid by the center?

Answer: No. Agencies will be encouraged to continue to cover low-cost reasonable accommodations within their budgets. Agencies will also be encouraged to centralize purchasing of reasonable accommodations within their budgets. The threshold for a reasonable accommodation to be eligible for funding through the center should be flexible, responding to differences between agencies, and within an agency between units and overtime. The threshold should also recognize that while each individual instance of a continuing accommodation, such as use of sign language interpreters, may be low, the cumulative costs of

affording that employee a truly equal employment opportunity could be substantial, particularly for a smaller agency. Agencies should be allowed to provide brief explanations of why they might need funding through the center for an accommodation of any size.

Question: Who will own equipment, assistive technology, or other items purchased as reasonable accommodations through the center?

Answer: The agency requesting the purchase will assume ownership of the item. The item will be included in that agency's inventory, and the agency will be responsible for the item's routine maintenance. However, the agency must commit to transferring that item (JV) with the employee for whom it was purchased, if that employee changes positions within the agency, or moves to a position with a different state agency. When an employee for whom an item was purchased leaves state employment, or the item is no longer needed as an accommodation for that employee, the item will be returned to the center.

Question: What guidelines should the State have for reasonable accommodation policies and procedures?

Answer: The center should update the state's current guidelines, (<http://www.ofm.wa.gov/reports/accommodation/accommodation.pdf>) incorporating guidance from the EEOC, [EEOC Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation](#) October, 2000

- See also: [Questions And Answers: Policy Guidance On Executive Order 13164: Establishing Procedures To Facilitate The Provision Of Reasonable Accommodation.](#)

The Center should provide technical assistance and training to any state agency wishing to evaluate its policies and procedures based on that guidance, and help that agency to identify potential improvements to its reasonable accommodation policies and procedures.

Question: Will reasonable accommodation technical assistance and funding be limited to current state employees?

Answer: No. The center should provide guidance, training, technical assistance and funding to help state agencies ensure that people with disabilities are provided reasonable accommodations affording equal opportunity in all aspects of outreach, recruitment, selection/testing and hiring of new employees as well as for current employees.

Question: What should the fund cover?

Answer: In addition to equipment, assistive technology and adaptive furniture, the fund should cover sign language interpreters, materials in alternate formats and consultants for assessments, installation and setup of equipment and assistive technology and training on the use of equipment or assistive technology provided as a reasonable accommodation.

Question: Will purchasing through the central fund introduce delays in the provision of reasonable accommodation?

Answer: Agencies will not be turning to the fund to cover the costs of accommodations when it would have been quick and easy for the agency to cover those costs itself. Since the fund would be used only when covering the costs of an accommodation presented some difficulty for the

agency, it is likely that the fund would be expediting the provision of accommodations more often than delaying them. Still it will be important to design the review and purchasing processes for the center to be clear, transparent and timely. The center's performance in this regard should be continuously monitored and evaluated to ensure that the center is not delaying the provision of reasonable accommodations. It is likely that it would be helpful for an agency to engage the center as soon as it begins to look as though the agency might need the center's assistance in purchasing an accommodation. That would allow the center to begin preparing the groundwork for the purchase while the agency and employee are still engaged in the reasonable accommodation process.

The center should maintain a lending library of commonly used assistive technology and adaptive furniture. These items could be made available for agencies and employees to try out during the reasonable accommodation process to help them with exploring and evaluating options. Loaned items that are effective accommodations could remain in place until a permanent accommodation for that individual is purchased. Items from the lending library would also be used to help provide timely accommodations for job applicants and to assist agencies in providing access to public meetings or events.

Question: How would the center impact the confidentiality of disability related information?

Answer: The center would generally not need access to confidential information in order to provide technical assistance to the reasonable accommodation process. In those instances where it would be necessary for center staff to have access to confidential information, either to provide technical assistance, or as part of the record for the purchase of an reasonable accommodation, the agency should first obtain permission from the employee before sharing the information. The center will maintain such information in secured files. Each item of confidential information would be available only to those with a need to know in order for the accommodation to be provided, and for purposes of auditing the program.